

JUSTICE

Budget Summary							
Fund	2002-03 Base Year Doubled	2003-05 Governor	2003-05 Jt. Finance	2003-05 Legislature	2003-05 Act 33	Act 33 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$73,742,200	\$66,407,600	\$63,249,700	\$63,249,700	\$63,249,700	- \$10,492,500	- 14.2%
FED	15,266,200	15,124,200	15,196,400	15,196,400	15,196,400	- 69,800	- 0.5
PR	65,297,400	62,757,900	64,515,900	64,515,900	64,515,900	- 781,500	- 1.2
SEG	<u>579,800</u>	<u>601,300</u>	<u>599,300</u>	<u>599,300</u>	<u>599,300</u>	<u>19,500</u>	3.4
TOTAL	\$154,885,600	\$144,891,000	\$143,561,300	\$143,561,300	\$143,561,300	- \$11,324,300	- 7.3%

FTE Position Summary						
Fund	2002-03 Base	2004-05 Governor	2004-05 Jt. Finance	2004-05 Legislature	2004-05 Act 33	Act 33 Change Over 2002-03 Base
GPR	381.70	367.70	341.70	341.70	341.70	- 40.00
FED	27.25	25.25	26.25	26.25	26.25	- 1.00
PR	146.15	150.65	160.15	160.15	160.15	14.00
SEG	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>0.00</u>
TOTAL	557.85	546.35	530.85	530.85	530.85	- 27.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR-REV	\$0		\$37,400		\$37,400	
GPR	- \$362,200	0.00	- \$130,300	0.00	- \$492,500	0.00
FED	- 142,000	- 2.00	0	0.00	- 142,000	- 2.00
PR	362,700	0.00	- 37,400	0.00	325,300	0.00
SEG	<u>21,500</u>	<u>0.00</u>	<u>- 2,000</u>	<u>0.00</u>	<u>19,500</u>	<u>0.00</u>
Total	- \$120,000	- 2.00	- \$169,700	0.00	- \$289,700	- 2.00

Governor: Provide standard adjustments to the base budget totaling -\$184,500 GPR, -\$71,000 FED, \$161,200 PR, \$9,300 SEG and -2.0 FED positions in 2003-04 and -\$177,700 GPR, -\$71,000 FED, \$201,500 PR, \$12,200 SEG and -2.0 FED positions in 2004-05. Adjustments are for:

(a) turnover reduction (-\$499,500 GPR annually); (b) removal of noncontinuing elements from the base (-\$609,000 GPR, -\$73,400 FED, -\$500,000 PR and -2.0 FED positions annually); (c) full funding of continuing salaries and fringe benefits (\$629,200 GPR, \$200 FED, -\$6,800 PR, and -\$8,100 SEG annually); (d) on-going funding of s. 13.10 approval actions in 2002-03 that authorized DOJ to reallocate a \$304,200 GPR reduction required under 2001 Wisconsin Act 109 from its general program operations appropriation for Law Enforcement Services to its legal expenses appropriation (-\$13,700 GPR), its computers for TIME system appropriation (-\$16,000 GPR), and its general program operations appropriations for Legal Services (-\$192,700 GPR), Administrative Services (-\$67,800 GPR), and Victims and Witnesses (-\$14,000 GPR); (e) reclassifications (\$6,400 GPR, \$2,200 FED, \$72,800 PR, and \$4,800 SEG in 2003-04 and \$7,900 GPR, \$2,200 FED, \$112,900 PR, and \$7,700 SEG in 2004-05); (f) overtime (\$158,200 GPR, \$561,500 PR, and \$11,500 SEG annually); (g) night and weekend differential (\$10,200 GPR and \$2,200 PR annually); (h) fifth week of vacation as cash (\$62,500 GPR, \$18,600 PR, and \$1,000 SEG in 2003-04 and \$67,800 GPR, \$18,800 PR, and \$1,000 SEG in 2004-05); (i) full funding of lease costs and directed moves (\$57,500 GPR, \$12,900 PR, and \$100 SEG annually); and (j) minor offsetting transfers within the same appropriation.

Joint Finance/Legislature: Delete funding for fifth week of vacation as cash (-\$62,500 GPR, -\$18,600 PR, and -\$1,000 SEG in 2003-04 and -\$67,800 GPR, -\$18,800 PR, and -\$1,000 SEG in 2004-05). Require the agency to lapse to the general fund a total of \$18,600 in 2003-04 and a total of \$18,800 in 2004-05 from those PR accounts from which these fifth week of vacation as cash payments had been budgeted. Estimate GPR-REV of \$18,600 in 2003-04 and \$18,800 in 2004-05. Specify, however, that the agency is not required to lapse to the general fund any PR or SEG amount that is from federal funds or that is from another fund source whose lapse to the general fund would be prohibited by state or federal laws or the state or federal constitution.

[Act 33 Section: 9160(3f)]

2. TRANSFER OF CONSUMER PROTECTION STAFF AND FUNCTIONS FROM THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION [LFB Paper 156]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$3,027,600	26.00	-\$3,027,600	- 26.00	\$0	0.00
PR	567,000	5.50	- 567,000	- 5.50	0	0.00
Total	\$3,594,600	31.50	-\$3,594,600	- 31.50	\$0	0.00

Governor: Provide \$1,563,800 GPR in 2003-04 and \$1,463,800 GPR in 2004-05 and 26.0 GPR positions annually to reflect the transfer of most consumer protection functions from the Department of Agriculture, Trade and Consumer Protection (DATCP) to DOJ. Included in the amounts provided in 2003-04 is \$100,000 GPR for moving and related costs. Transfer an additional \$283,500 PR and 5.5 PR consumer protection positions annually from DATCP to DOJ for the administration and maintenance of the telephone solicitation ("no-call") program.

Specify that the Division of Legal Services in DOJ would be renamed the Division of Legal and Regulatory Services.

Expand the Consumer Protection Assessment to Apply to Fines and Forfeitures Under Chapter 133 (Trusts and Monopolies). Provide that a court must impose a consumer protection assessment equal to 25% of the fine or forfeiture imposed for a violation of Chapter 133 (Trusts and Monopolies), or for a violation of a rule or ordinance promulgated or enacted under the trusts and monopolies chapter. Under current law, this consumer protection assessment equal to 25% of the fine or forfeiture is only assessed on fines and forfeitures for statutory, rule and ordinance violations under Chapter 98 (Weights and Measures) and Chapter 100 (Marketing; Trade Practices). A technical correction is needed to eliminate reference to imposing this assessment on forfeitures relating to ordinances enacted under Chapter 133. Ordinances are not enacted under this chapter. The bill does not identify, and it is not known at this time, how much program revenue would be generated as a result of this assessment change.

Consumer Protection, Information, and Education Appropriation. Create a PR annual consumer protection, information, and education appropriation under DOJ and authorize the agency to expend funds credited to the appropriation for consumer protection and consumer information and education. Require the State Treasurer to credit the consumer protection assessments under Chapter 100 (Marketing; Trade Practices) or Chapter 133 (Trusts and Monopolies) to this appropriation. Specify, however, that the amount of consumer protection assessments credited to the appropriation may not exceed \$375,000 in each fiscal year. No expenditure authority would be provided under this appropriation for either the 2003-04 or 2004-05 fiscal year.

Telephone Solicitation Regulation Appropriation. Create a PR continuing telephone solicitation regulation appropriation under DOJ. Provide that all moneys received from telephone solicitor registration and registration renewal fees would be credited to this appropriation in order to establish and maintain the telephone solicitation ("no-call") program. The \$283,500 PR and 5.5 PR positions annually transferred from DATCP for the administration of the no-call program would be under this appropriation. As a continuing appropriation, DOJ would have the authority under this appropriation to expend all telephone solicitor registration and registration renewal fees credited to this appropriation, subject to the Department of Administration allotment process.

Obsolete Reference. A technical correction is required to delete reference to a repealed DOJ appropriation [s. 20.445(1)(gh)] contained in s. 100.263 of the statutes.

Joint Finance/Legislature: Delete provision. Beginning in 2003-04, require DATCP to determine during each fiscal year the total amount of all required consumer protection assessments under Chapter 100 of the statutes that were not imposed by a court (first effective for court actions commenced by DOJ on or after the effective date of the bill). Require DATCP to make this determination before August 1, immediately following the fiscal year. Before September 1, require the Secretary of DOA to transfer from DOJ sum certain GPR state

operations appropriations, an amount equal to the total amount determined by DATCP above, to a newly created consumer protection assessments PR appropriation under DATCP.

Veto by Governor [C-30]: Delete the provisions included by Joint Finance regarding consumer protection assessment.

[Act 33 Vetoed Sections: 286 (as it relates to s. 20.115(1)(km)), 287p, 1815d, and 1817d]

3. BASE BUDGET REDUCTIONS

Funding Positions		
GPR	- \$7,434,800	- 21.00

Governor: Reduce various agency GPR state operations appropriations by \$3,717,400 and 21.0 positions annually. Apply the reduction to the Legal Services legal expenses appropriation (-\$418,400 annually) and to the following general program operations appropriations: (a) Legal Services (-\$1,438,200 and -17.0 positions annually); (b) Law Enforcement Services (-\$1,393,200 and -3.0 positions annually); and (c) Administrative Services (-\$467,600 and -1.0 position annually). Cumulatively, these reductions represent an 11.0% annual reduction to the agency's GPR adjusted base for state operations. [The Executive Budget Book indicates total base budget reductions for the agency of \$5,000,000 and 40.0 positions annually. Several of those recommendations have been summarized as separate entries (Items #4, #5 and #7) and are not included in this item. The \$5,000,000 annual reduction represents a 14.9% annual reduction to the agency's GPR adjusted base for state operations.]

Joint Finance/Legislature: Authorize DOJ to reallocate base budget reductions totaling \$5,000,000 and 40.0 positions annually. Provide that DOJ may submit a proposal to the Secretary of DOA, no later than 90 days after the effective date of the biennial budget act, to increase the funding or position authority of the following appropriations by an amount not to exceed that identified for each appropriation for the specified fiscal year, and to correspondingly decrease the funding or position authority under one or more agency sum certain, general purpose revenue state operations appropriations by a total equal to the amount of any proposed increase.

<u>Appropriation</u>	<u>2003-04</u>		<u>2004-05</u>	
	<u>Funding</u>	<u>FTE</u>	<u>Funding</u>	<u>FTE</u>
(1)(a) Legal Services -- General Program Operations	\$1,662,600	19.0	\$1,662,600	19.0
(1)(d) Legal Expenses	418,400	0.0	418,400	0.0
(2)(a) Law Enforcement -- General Program Operations	2,415,300	19.0	2,415,300	19.0
(3)(a) Administrative Services --General Program Operations	503,700	2.0	503,700	2.0

Provide that if the Secretary of DOA approves the reallocation proposal, the Secretary must submit it to the Joint Committee on Finance. If the Co-chairs of the Committee do not notify the Secretary that the Committee has scheduled a meeting to review the proposal within 14 working days, the reallocations may be implemented. If, within 14 working days, the Co-

chairs of the Committee notify the Secretary that the Committee has scheduled a meeting to review the proposal, the reallocations may be implemented only upon approval of the Committee.

[Act 33 Section: 9132(3f)]

4. ELIMINATION OF THE DIVISION OF NARCOTICS AND DANGEROUS DRUGS

Funding Positions		
GPR	- \$678,600	- 6.00

Governor/Legislature: Delete \$339,300 and 6.0 positions annually under Law Enforcement Services' general program operations appropriation to reflect the elimination of a separate Division of Narcotics and Dangerous Drugs. Delete the separate statutory designation of the Division and the requirement that the Division's administrator must be appointed by the Attorney General in the unclassified service to serve at the pleasure of the Attorney General. Reduce the statutory number of unclassified administrators for DOJ from four to three. Under the Governor's recommendation, the functions and remaining personnel of the Division would be consolidated with those of the Division of Criminal Investigation.

Under current law, the Division is responsible for enforcing Chapter 961 (the Uniform Controlled Substances Act) and coordinating and conducting criminal investigations of drug trafficking with state, federal and local law enforcement agencies. The Division's adjusted base budget is \$7,296,300 annually (\$2,926,500 GPR, \$2,574,000 PR and \$1,795,800 FED) and 66.0 positions (33.0 GPR positions, 24.0 PR positions and 9.0 FED positions).

[Act 33 Sections: 132 and 2398]

5. GPR-FUNDED POSITION CONVERSION TO FED FUNDING [LFB Paper 470]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	-\$72,200	- 1.00	\$0	0.00	-\$72,200	- 1.00
FED	0	0.00	72,200	1.00	72,200	1.00
Total	-\$72,200	- 1.00	\$72,200	1.00	\$0	0.00

Governor: Delete \$36,100 GPR and 1.0 GPR position annually under Administrative Services' general program operations appropriation. The Governor's intent was to provide a corresponding expenditure and position authority increase of \$36,100 FED and 1.0 FED position annually under the agency's indirect cost reimbursements appropriation to reflect the funding conversion of this position. However, no additional expenditure or position authority is actually provided under the appropriation. A technical correction is needed to add the intended funding and position authority.

Joint Finance/Legislature: Provide \$36,100 FED and 1.0 FED position annually under DOJ's indirect cost reimbursements appropriation.

6. LAW ENFORCEMENT TRAINING FUND (PENALTY ASSESSMENT) LAPSE

GPR-REV	\$323,000
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Governor/Legislature: Direct the Secretary of DOA to lapse program revenues in the amount of \$161,500 annually to the general fund from the state operations law enforcement training fund account. Generally prohibit the Secretary of DOA from lapsing or transferring any funds if the proposed lapse or transfer would violate a condition imposed by the federal government on the expenditure of the funds, or if the lapse or transfer would violate the federal or state constitutions.

This appropriation account utilizes penalty assessment revenues to fund the state administration of the law enforcement training fund and to finance training for state law enforcement personnel. Whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (other than for certain smoking restriction, nonmoving traffic and safety belt use violations), it also imposes a penalty assessment of 24% of the total fine or forfeiture. Currently, 11/24ths of these revenues are credited to DOJ for the law enforcement training fund and for crime laboratory equipment.

Veto by Governor [D-3]: Authorize DOJ to submit an alternative plan to the Secretary of DOA for the allocation of the lapse amounts. After reviewing any submitted plan, the Secretary would have the authority to implement the plan.

[Act 33 Section: 9260(1)]

[Act 33 Vetoed Section: 9260(1)]

7. CRIME LABORATORIES AND DRUG LAW ENFORCEMENT ASSESSMENT INCREASE [LFB Paper 473]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Veto (Chg. to Leg)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions	Funding	Positions
GPR-REV	\$2,957,500		-\$182,500		-\$2,775,000		\$0	
PR-REV	0		3,588,600		0		3,588,600	
GPR	-\$1,814,400	- 12.00	\$0	0.00	\$0	0.00	-\$1,814,400	- 12.00
PR	<u>252,000</u>	<u>0.00</u>	<u>2,052,400</u>	<u>14.00</u>	<u>0</u>	<u>0.00</u>	<u>2,304,400</u>	<u>14.00</u>
Total	-\$1,562,400	- 12.00	\$2,052,400	14.00	\$0	0.00	\$490,000	2.00

Governor: Increase the crime laboratories and drug law enforcement assessment from the current \$5 to \$7. Under current law, the assessment is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of state law or municipal or county ordinance (other than for nonmoving traffic or smoking violations). Currently, the assessment supports the: (a) DNA databank; (b) DNA evidence prosecution efforts; (c) crime laboratories; and (d) drug law enforcement efforts.

The Governor estimates that the increased assessment amount would generate additional revenues of \$1,267,500 in 2003-04 and \$1,690,000 in 2004-05. Under the bill, these increased assessment revenues are incorrectly identified as GPR-Earned. A technical correction is needed to identify these additional assessment amounts as program revenue.

Use the increased assessment revenues to fund the following initiatives:

DNA Testing of Felons. Provide \$126,000 PR annually to reimburse county sheriffs for the cost of collecting DNA samples from felons. The reimbursement amount is based on a cost projection of \$20 per DNA sample for the estimated 6,300 felons placed on probation each year. Costs of the reimbursement program would be funded primarily from the increased crime laboratories and drug law enforcement assessment, with lesser amounts from the current \$250 DNA surcharge that a court may impose if a person is sentenced or placed on probation for a felony conviction. (The \$250 DNA surcharge is mandatory if a person is sentenced or placed on probation for certain sexual assault felony convictions.)

Conversion of Certain GPR-Funded Positions to PR Funding. Reduce the general program operations appropriations for: (a) Legal Services by \$224,400 GPR and 2.0 GPR positions annually; and (b) Law Enforcement Services by \$682,800 GPR and 10.0 GPR positions annually. The Governor's intent was to provide a corresponding expenditure and position authority increase of \$907,200 PR and 12.0 PR positions annually under the agency's drug law enforcement and related activities PR appropriation to reflect the funding conversion of these base level positions. However, no additional expenditure or position authority is actually provided under the appropriation. A technical correction is needed to add the intended funding and position authority. Any additional position costs under this appropriation would be funded primarily from the increased crime laboratories and drug law enforcement assessment, with lesser amounts from the current \$250 DNA surcharge that a court may impose if a person is sentenced or placed on probation for a felony conviction.

Joint Finance/Legislature: Reduce GPR-Earned estimates for DOJ by \$1,267,500 in 2003-04 and \$1,690,000 in 2004-05 and include corresponding PR-REV increases of \$1,267,500 in 2003-04 and \$1,690,000 in 2004-05. Reestimate total PR-REV amounts under DOJ from these assessments by an additional \$208,100 in 2003-04 and \$423,000 in 2004-05. Lapse \$1,567,000 PR in 2003-04 and \$1,208,000 PR in 2004-05 to the general fund from the agency's crime laboratories and DNA analysis appropriation account.

Provide \$1,026,200 PR and 14.0 PR positions annually (2.0 attorneys, 7.0 special agents and 5.0 forensic scientists) funded from crime laboratories and drug law enforcement assessments to DOJ's drug law enforcement and related activities PR appropriation.

Veto by Governor [C-32]: Delete the requirement that DOJ lapse \$1,567,000 PR in 2003-04 and \$1,208,000 PR in 2004-05 to the general fund from its crime laboratories and DNA analysis appropriation account.

[Act 33 Section: 2100]

[Act 33 Vetoed Section: 9232(2r)]

8. CRIMINAL HISTORY SEARCH FEE INCREASES [LFB Paper 471]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR-REV	\$519,700	\$449,100	\$968,800
PR-REV	\$0	\$519,700	\$519,700

Governor: Increase the fingerprint card record check fee assessed to governmental agencies or nonprofit organizations, for purposes unrelated to criminal justice or to the waiting period for purchase of handguns, from the current \$10 per search to \$15 per search. Create a \$5 surcharge applicable to criminal history record checks and fingerprint card record checks, for purposes unrelated to criminal justice or to the waiting period for purchase of handguns, if the individual or organization requests a paper copy. According to the Executive Budget Book, the intent of the higher fingerprint card record check fee is to fund the more complex and expensive fingerprint card record checks, and the intent of the \$5 paper copy surcharge is to encourage requestors to file criminal history record check requests on-line.

The Governor estimates that the higher fingerprint card record check fee would generate additional revenues of \$62,000 in 2003-04 and \$82,700 in 2004-05. The Governor also estimates that the \$5 paper copy surcharge would generate additional revenues of \$225,000 in 2003-04 and \$150,000 in 2004-05. Under the bill, these increased fee revenues are incorrectly identified as GPR-Earned. A technical correction is needed to identify these additional fees as program revenue.

Joint Finance/Legislature: Reduce GPR-Earned collections by \$287,000 in 2003-04 and \$232,700 in 2004-05 and provide corresponding PR-REV increases of \$287,000 in 2003-04 and \$232,700 in 2004-05. Lapse \$968,800 PR in 2003-04 of criminal history search fees to the general fund from the criminal history searches and fingerprint identification appropriation. Convert the criminal history searches and fingerprint identification appropriation from a continuing appropriation to an annual appropriation.

Veto by Governor [C-31]: Delete the conversion of the criminal history searches and fingerprint identification appropriation from a continuing appropriation to an annual appropriation. Under a continuing appropriation, the Department has the authority to expend all available revenues, subject to the Department of Administration allotment process. Under an annual appropriation, the Department would no longer have had the authority to expend all available revenues, but would have been limited to the amounts appropriated.

[Act 33 Sections: 2106 thru 2108, and 9232(1r)]

[Act 33 Vetoed Sections: 286 (as it relates to s. 20.455(2)(gm)) and 556r]

9. AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

PR	- \$2,615,200
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Governor/Legislature: Delete \$1,155,100 in 2003-04 and \$1,460,100 in 2004-05 associated with the operation of the state's automated fingerprint identification system (AFIS):

Completion of AFIS Upgrade. Delete \$1,155,100 in 2003-04 and \$1,700,100 in 2004-05 of interagency assistance funding to reflect the anticipated completion of the AFIS upgrade. AFIS provides for the electronic storage of fingerprints that are required to be submitted to the Department. The system permits law enforcement agencies to compare fingerprints against the system's database of electronically stored fingerprint records.

Under the Governor's recommendation, \$545,000 of base funding would remain in 2003-04 but all remaining base level funding would be deleted in 2004-05. The \$545,000 of base funding in 2003-04 would be used to purchase two additional fingerprint matchers (\$490,000) and a live scan device capable of capturing palm prints for the Dodge Correctional Institution (\$55,000).

Under 2001 Wisconsin Act 16, the agency was provided \$940,100 in 2001-02 and \$2,200,100 in 2002-03 to upgrade AFIS, which was installed in 1993. Under current law, fingerprints, photos, and demographic information for all persons arrested, taken into custody or sentenced to prison must be submitted to DOJ, which functions as the state repository for criminal history information.

AFIS Maintenance Costs. Provide \$240,000 in 2004-05 funded from criminal history search fees for on-going maintenance costs for the AFIS system.

10. TRANSFER OF THE COUNTY-TRIBAL LAW ENFORCEMENT GRANT PROGRAM TO THE OFFICE OF JUSTICE ASSISTANCE [LFB Paper 134]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
PR	-\$1,556,000	- 1.00	\$1,556,000	1.00	\$0	0.00

Governor: Delete \$778,000 and 1.0 position annually and transfer the county-tribal law enforcement grant program and the incumbent program staff from DOJ to the Office of Justice Assistance in DOA. Eliminate the state operations and the local assistance appropriations for the county-tribal program and associated statutory authority for the program under DOJ. Specify that the transferred employee would retain the same rights and employee status held prior to the transfer and would not be required to serve a probationary period if the employee had already achieved permanent status in his or her classified position.

Under current law, in order to receive grant funding, a county that has one or more federally-recognized Indian reservations within or partially within its boundaries must enter

into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. The county and tribe must also develop and annually submit to DOJ a joint program plan and report on the performance of law enforcement activities on the reservation in the previous fiscal year. Tribal gaming receipts provide the program revenue for the county-tribal law enforcement grant program.

Joint Finance/Legislature: Delete provision, thereby retaining the county-tribal law enforcement grant program and staff in DOJ.

11. CRIME VICTIM COMPENSATION PROGRAM MODIFICATIONS [LFB Paper 472]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR-REV	\$594,200	- \$594,200	\$0
PR	\$450,000	- \$450,000	\$0

Governor: Make the following changes to the crime victim compensation program:

Diversion of Restitution Payment Revenues from the General Fund. Provide that restitution payments received by the state from defendants to offset awards made to victims under the crime victim compensation program, would no longer be deposited to the general fund but instead would be credited to two new PR appropriations created under DOJ. Currently, the Department estimates that \$297,100 annually is credited to the general fund from restitution payments. The proposed diversion of these funds to the new program revenue accounts would result in a corresponding GPR-Earned decrease of \$297,100 annually. The bill does not reflect this revenue decrease.

Subrogation Payments Appropriation Created. Create a PR continuing subrogation payments for awards for victims of crimes appropriation to receive these restitution payments and provide expenditure authority of \$200,000 annually. Authorize DOJ to: (a) expend these funds to pay for crime victim compensation awards; and (b) transfer a portion of these funds to the following new narcotics purchase appropriation. The narcotics purchase appropriation would be a first draw on revenues deposited to this appropriation.

Narcotics Purchase Appropriation Created. Create a PR annual narcotics purchase appropriation and provide expenditure authority of \$25,000 annually. The appropriation would be funded from amounts transferred from the new subrogation payments appropriation. Authorize the Department to expend these funds to purchase controlled substances in investigating violations of Chapter 961 (the Uniform Controlled Substances Act).

Use of Federal Funds for Certain Victim Awards Payments. Delete current statutory provisions which require: (a) the use of federal funds for certain victim awards or certain portions of victim awards; and (b) DOJ to make payments from federal funds to the extent that these funds are available. Require DOJ rules to include procedures to ensure that any limitation

of an award, not just awards being provided from federal funds, be calculated in a fair and equitable manner.

Crime Victim Compensation Program Under Current Law. The state's crime victim award program compensates victims and their dependents for the cost of medical treatment (both physical and mental), lost wages, funeral and burial expenses, loss of support to dependents of a deceased victim, and replacement costs of any clothing or bedding that is held for evidentiary purposes. In addition, victims who are homemakers may be compensated for expenses relating to securing homemaker services when someone must be hired to perform these services.

The program is funded from GPR, from part "A" of the crime victim and witness assistance surcharge and from federal grants awarded under the 1984 Victims of Crime Act (VOCA), as amended. Base level funding for the program is \$2,390,700 annually (\$1,258,000 GPR, \$643,900 FED and \$488,800 PR). The state's maximum award for any one injury or death is \$40,000 (in addition to the \$2,000 maximum reimbursement of burial expenses that may be awarded).

Joint Finance/Legislature: Delete provisions relating to: (a) diversion of restitution payment revenues from the general fund; (b) creation of a subrogation payments appropriation funded at \$200,000 annually; and (c) creation of a narcotics purchase appropriation funded at \$25,000 annually.

[Act 33 Sections: 2739 and 2740]

12. ELIMINATION OF PENALTY ASSESSMENT DEFICIT [LFB
Paper 120]

PR	- \$796,000
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Joint Finance/Legislature: Reduce the following agency appropriations supported by penalty assessment revenues by the amounts indicated in order to address a deficit in penalty assessment funding. These adjustments represent a 6.5% reduction to 2003-04 funding levels and a 0.5% reduction to 2004-05 funding levels, as recommended by the Governor.

<u>Appropriation</u>	<u>Reduction Amounts</u>	
	<u>2003-04</u>	<u>2004-05</u>
(2)(ke) Drug Enforcement Intelligence Operations	\$97,300	\$7,500
(5)(kp) Reimbursement to Counties for Victim-Witness Services	50,200	3,900
(2)(j) Law Enforcement Training Fund, Local Assistance	347,500	26,700
(2)(ja) Law Enforcement Training Fund, State Operations	219,600	16,900
(2)(jb) Crime Laboratory Equipment and Supplies	<u>24,500</u>	<u>1,900</u>
Total	\$739,100	\$56,900

[For additional information on the penalty assessment deficit, see "Administration--Office of Justice Assistance."]

13. HOTLINE FOR REPORTING DANGEROUS WEAPONS IN SCHOOLS

GPR	- \$100,000
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Senate/Legislature: Delete \$50,000 annually provided to DOJ to administer and promote the hotline, which receives anonymous tips regarding dangerous weapons in public schools. In addition, delete the statutory provisions requiring the Department to operate such a hotline.

[Act 33 Sections: 2099xd thru 2099xz]

14. CONTROLLED SUBSTANCES HOTLINE AND AMBER ALERT

GPR	\$100,000
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Assembly/Legislature: Provide \$50,000 annually to DOJ to support the operation of the existing controlled substances hotline and for an emergency notification capability for missing children ("Amber Alert" system).